

**PLANNING BOARD
TOWN OF MARILLA**

Date: July 21, 2005

Present: Debbie Zimmerman, Chairman Barbara Spanitz, Town Board
Nathan Barnard, Co-Chairman Robert Miller, Consult
Dan Handy John Fronczek, CEO
Judy Gillman
Rich Janiga
Paul Domanowski
Tom Wantuck

Guests: Don Zimmerman, Mark Longo, Scott Witter, Lorraine Wisler, Mary Earsing,
George Gertz, Leon Berner, Robert Gillman

- I. Debbie Zimmerman, Chairman, opened the Planning Board meeting at 7:03 p.m.
- II. **MOTION** to accept June minutes by Nathan Barnard, seconded by Paul Domanowski. All in favor – 7 ayes.
- III. New Business

Mark Longo, attorney, spoke regarding the Berner Golf Course asking for pre-sketch plan approval highlighting the fact that 100 part-time and full-time jobs will be created, the assessed value of the clubhouse should be approximately between 1 and 2 million dollars, the assessed golf course will be approximately between 3 to 5 million dollars. Mark Longo feels the 65 lots will create homes averaging approximately \$300,000. There is no impact on any wetlands and they would like to proceed in phases as it relates to the home building with the last phase completed by 2015. The storm water management system needs to be addressed.

Scott Witter stated the golf course should be built first then with the clubhouse being built sometime towards the end of the construction period. In building the golf course, Scott Witter explained first they would clear the vegetation required, strip the topsoil, earth work would follow, drainage, shaping and drainage continues, irrigation, seed bed preparation, seeding, and sodding which would take a period of one year. Dan Handy questioned how the 65 units was arrived at. Nathan Barnard responded it is the current zoning. The conservation overlay would supersede the five year rule. The lots will not infringe on any gas wells and will include a written agreement with Tennessee Valley.

Bob Miller stated he will not comment on the plans as he did not receive the updated plans until tonight.

The roads will be public town roads with the exception of two lots. John Fronczek questioned the building of the clubhouse and pro shop being constructed at the same time as the golf course. Scott Witter responded he was not sure. John Fronczek questioned if there was a starting point when they start building as to public roads or private roads. Leon Berner stated they are still working on that because golf course views sell better when you have a golf course view stating the other lots will probably be sold first. The Two Rod Road entrance is the only entrance and exit to the clubhouse and all the houses.

The lot sizes consist of 4 lot sizes at 35,000 square feet, 17 lots are between 35,000 square feet and 1 acre, 22 lots are between 1 and 1 ½ acres, 10 lots are between 1 ½ and 2 acres, 12 lots are 2 acres or larger.

There are 65 lots in Marilla and 32 lots in Alden. Leon Berner stated Alden is in favor of this project and they have a zoning classification which allows cluster housing. Alden would like the 18,000 square feet or larger for the housing.

A traffic study has been done and it will be updated now to reflect the amount of homes being built.

Richard Janiga questioned if there are safety requirements when houses are built near golf courses. Scott Witter said there are no requirements or laws but there are safety guidelines and also people do understand there is an assumed level of risk when living there.

Tom Wantuck questioned if lots were broken down by the value of houses. Scott Witter responded the real estate group handles that.

IV. Open Presentations from the Floor

Bob Gillman of 1752 Shearing Drive questioned what would happen if the golf course fails and the owners come back wanting to recoup with more subdivisions.

Scott Witter responded the Town of Marilla and the development team are putting together an overlay district preventing this from happening anywhere else in the town with this particular golf course and housing to happen. The development team cannot come back to the town.

Leon Berner stated it is similar to the PACE Program where you sell your development rights.

Bob Gillman asked if there is irrigation.

Scott Witter responded there will be.

Mary Earsing of S-106 Two Rod Road questioned if there is an archaeological survey being done, will her gas well be affected, will her well water be affected, and wonders how Two Rod Road will be able to sustain all this extra traffic.

Scott Witter responded under SEQR they are required to go through an environmental review which steps they are following. The traffic consultants feel the current roads will handle the capacity of the proposal and are also conducting a traffic impact study. The gas well would be capped.

Marilla water lines and septic system will be used.

Mary Earsing of S-106 Two Rod Road asked where will all the septic be placed.

Scott Witter responded that is what the engineers are working on.

Nathan Barnard read a letter from Attorney Nathan Neill stating the best approach to this golf course is using the overlay zone.

Dan Handy, Rich Janiga, Paul Domanowski, and Judy Gillman agree with the overlay district.

Tom Wantuck has a concern with the overlay district stating if we do it this time we will be asked to do it again and again in the future. Tom Wantuck feels we are being asked to ignore the codes of the town.

Nathan Barnard agrees with Tom Wantuck but also agrees with the overlay district. Nathan Barnard stated Nussbaumer and Clarke will review the plan.

Debbie Zimmerman feels the design for the golf course will create a beautiful area of green space and will be beneficial to the town.

Bob Miller suggested a joint meeting with the Town Board with Jim from Erie County who would address septic systems, etc., possibly next month.

V. Old Business

Barbara Spanitz stated the Town Board accepted the Planning Board's recommendations for Flag Lots with a few changes. The year would be 2005 not 1996, changed wording from private road to private driveway, greater than

300 feet in length providing access to Flag Lots shall require turnarounds provided at a sufficient size to accommodate ingress and egress, lot size will be 300 x 300, all yard setbacks for principal buildings shall be 100 feet back from the front (parallel to the road) property line and 30 feet from the side, one driveway one Flag Lot, and utilities must be underground.

Rich Janiga questioned (6)c: No private driveway shall be located any closer than 200 feet from the nearest private driveway. The P.B. feels there should be no distance between driveways. Councilman Barbara Spanitz will ask the Town Board to clarify.

Under Section 3 Nos. 3 and 4 will be deleted.

MOTION by Dan Handy, seconded by Richard Janiga to inform the Town Board that under Section No. 3 delete No. 5 and amend No. 6 to have Conservation Advisory Board be removed. Under Section 3, (6)c: 200 feet is too large and should be reduced to 50 feet or less.

Roll call vote:

Tom Wantuck – aye

Judy Gillman - aye

Rich Janiga – aye

Nathan Barnard - aye

Paul Domanowski – aye

Debbie Zimmerman

Dan Handy – aye

Motion carried.

Chairman Debbie Zimmerman requested an updated copy before the August 11, 2005 public hearing.

MOTION by Dan Handy, seconded by Nathan Barnard to request wording on deed to have no adult entertainment on the Rohl property.

Roll call vote:

Tom Wantuck – aye

Judy Gillman - aye

Rich Janiga – aye

Nathan Barnard - aye

Paul Domanowski – aye

Debbie Zimmerman

Dan Handy – aye

Motion carried.

VI. CEO Report

None.

VII. Town Board Report

None.

VIII. **MOTION** to adjourn at 9:10 p.m. Dan Handy moved, seconded by Paul Domanowski, all in favor 7/0.

Respectfully submitted,

Laura Nuttle, Clerk